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JUNE 19, 1988
ARIZONA ATTORNEY GENERAL
Case No. 57-88

REQUESTED BY : The Honorable Harold C. Giss
Arizona State Senate

OPINION BY : ROBERT MORRISON, The Attorney General
H. B. Daniels, Assistant Attorney General

QUESTION : If the President of the Senate and the Speaker of the House desire to have some members of their respective bodies confer with a Legislative Council Committee, are such legislators entitled to receive subsistence at the rate of \$17.00 per day?

CONCLUSION : Yes.

The question presented for our determination must be resolved by the provisions of A. R. S. § 41-1103. The pertinent and material part of such section reads:

"B. The president of the senate and the speaker of the house of representatives may at any time when the legislature is not in session authorize any member of his house to attend to any business or to attend any meeting in service of the legislature. While on such service a member shall be reimbursed for mileage as provided for state officers, and shall receive a reimbursement for subsistence, incidentals, lodging and other expenses in aid of the performance of his duties and responsibilities as a legislator, not to exceed seventeen dollars per day, except when such service is performed at the usual place of residence of such member, in which event he shall receive not to exceed twelve dollars per day."

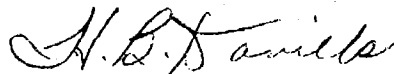
Clearly, the members of the legislature may be appointed to attend meetings and any business of the legislature. It is equally apparent that those members may be reimbursed for "subsistence, incidentals, lodging and other expenses" while attending meetings and legislative business in an amount not to exceed \$17.00 per day if away from their usual residence, and not to exceed \$12.00 per day if residing at their usual place of residence. Claims must be made pursuant to A. R. S. § 35-181. See Giss v. Jordan, 309 P.2d 779.

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It is the conclusion of the Department of Law that legislators appointed by the Speaker of the House or the President of the Senate are entitled to be reimbursed not to exceed the amounts indicated herein while conferring with the Legislative Council Committee.

ROBERT MORRISON
The Attorney General



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